UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,322	03/26/2001	Barry Lynn Royer	2001P04776 US	8854

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EXAMINER
NGUYEN, VAN H

ART UNIT	PAPER NUMBER
2194	

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/817,322	ROYER ET AL.
	Examiner	Art Unit	
	VAN H. NGUYEN	2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>15 November 2004</u>.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-24</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-24</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-24 are presented for examination.

Claim Objections

2.   Claims 1-5, 8, 11, 19, and 22-24 are objected to because of the following informalities:

the status identifiers provided for claims 1-5, 8, 11, 19, and 22-24 are not proper.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3.   The text of those sections of Title 35, U.S. Code not included in this action can be found

in a prior Office action.

4.   Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Bladow et**

al. (U.S. 6,115,040).

5.   As to claim 1, Bladow teaches the invention substantially as claimed including a system

for use in a first application concurrently operating together with a plurality of network

compatible applications (col.3, lines 10-21), comprising:

an entitlement processor for enabling user access to a first application of a plurality of concurrently operating applications in response to validation of user identification information (col.3, lines 30-46).

a communication processor employed by the first application of the plurality of concurrently operating applications for intermittently communicating an activity indication (col.3, lines 47-67) to a managing application within a timeout window (col.4, lines 1-6) the activity indication being communicated to prevent an inactivity timeout of the first application being initiated by said managing application in response to the timeout window being exceeded (col.4, lines 18-32 and col.22, lines 5-38).

While Bladow teaches the activity indication being communicated to prevent an inactivity timeout of the first application being initiated by said managing application in response to the timeout window being exceeded. Bladow does not specifically teach "being communicated *sufficiently often*."

It would have been obvious to one of ordinary skill in the art to have applied the teachings of Bladow to include the features as claimed because Bladow's teachings would have provided the capability for monitoring and controlling a duration of a user session in the access control system.

The fact that Bladow's teachings "to enable a software to detect client sessions...the client application using the client session object "heartbeats" every predetermined period...failure to "heartbeat" for consecutive predefined period...result in the expiration of the session key" (col.22, lines 5-38) and purpose of using the client session object "heartbeats" every predetermined period in Bladow suggests "being communicated *sufficiently often*."

6.   As to claim 2, Bladow teaches intermittently communicating an activity indication

prevents an inactivity timeout of the plurality of concurrently operating applications of a

particular user initiated session (col.22, lines 5-38).

7.   As to claim 3, Bladow teaches the communication processor stores a plurality of activity

indications and sends the plurality of activity indications as a batch to the managing application

(col.13, lines 1-17).

8.   As to claim 4, Bladow teaches the user action comprises, among other things, mouse and

keyboard activities (col.15, lines 3-4).

9.   As to claim 5, Bladow teaches the first application and the managing application reside in

the same PC and the activity indication notifies the managing application of activity by the first

application and includes, among other things, a session identifier for identifying a particular user

initiated session (fig.6).

10.   As to claim 6, Bladow teaches the communication processor intermittently communicates

activity indications to the managing application using a plurality of different commands

including an activity notification command and a command involving, among other things,

sending a URL to the managing application (col.18, lines 15-17).

11.   As to claim 7, Bladow teaches the communication processor communicates to the

managing application a request to receive an activity indication associated with the first

application and maintained by the managing application, the activity indication indicating time

since the last activity update (col.17, lines 23-41).

12.   As to claim 8, Bladow teaches individual applications of the plurality of concurrently

operating applications independently intermittently communicate an activity indication to the

managing application (col. 3 and 30-46) and a browser application providing a user interface

display permitting user entry of identification information for validation by the entitlement

processor (fig.6 and associated text).

13.   As to claim 9, Bladow teaches the communication processor communicates a time-out

threshold value comprising the timeout window to the managing application (col.22, lines 5-24).

14.   As to claim 10, Bladow teaches the invention substantially as claimed including a system

for use by a managing application supporting concurrent operation of a plurality of Internet

compatible applications (col.3, lines 10-21), comprising:

an input processor for intermittently receiving activity indications from a plurality of

concurrently operating applications (col.3, lines 30-46);

a comparator for comparing individual activity status indicators with corresponding time-

out threshold values to identify an application time-out event indicated by a status indicator

exceeding said time-out threshold (col.22, lines 12-24); and

a communication processor for communicating notice of said application time-out event

to one of said plurality of concurrently operating applications (col.22, lines 25-38).

While Bladow teaches an activity monitor monitors individual activity status indicators,

corresponding to said plurality of concurrently operating applications, in response to said

received activity indications (col.4, lines 18-32 and col.22, lines 5-24), Bladow does not

specifically teach "updating individual activity status indicators."

It would have been obvious to one of ordinary skill in the art to have applied the

teachings of Bladow to include the features as claimed because Bladow's teachings would have

provided the capability for keeping track of all the client applications, and enabling the client

applications to interact with one or more Web enabled remote services.

The fact that Bladow's teachings "identifies the cookie for the session and updates the

heartbeat time…send the status back to the client platform process" (col.17, lines 23-40) and

purpose of updating the heartbeat time in Bladow suggests *"updating individual activity status*

indicators."

15.   As to claim 11, Bladow teaches the activity indications received by the input processor

are provided in response to a user action (col.14, lines 56-67) and the user action comprises,

among other things, mouse and keyboard activities (col.15, lines 3-4).

16.   As to claim 12, Bladow teaches an activity status indicator comprises a time indication

identifying when activity of a particular application was last reported, and the time-out threshold

comprises a predetermined time duration and the managing application determines the particular

application to be inactive if the time indication exceeds the time-out threshold (col.22, lines5-

38).

17.   As to claim 13, Bladow teaches the input processor receives activity indications from a

plurality of different commands including an activity notification command and a command

involving, among other things, sending a URL to the managing application (col.18, lines 15-17).

18.   As to claim 14, Bladow teaches the communication processor communicates notice of the

application time-out event to applications of the plurality of concurrently operating applications

that have previously requested a notification of session termination (col.22, lines 5-24).

19.   As to claim 15, Bladow teaches the communication processor communicates notice of the

application time-out event in response to, among other things, a received communication from an

application session having previously produced a time-out event (col.3, line 57-col.4, line 3).

20.   As to claim 16, Bladow teaches the activity indication includes, among other things, an

identification of particular user initiated session (col.3, lines 32-40).

21.   As to claim 17, Bladow teaches a common timeout period for the plurality of

concurrently operating applications (col.4, lines 1-12).

22.   As to claim 18, Bladow teaches a predetermined default value for the time-out threshold

values (col.22, lines 5-38).

23.   As to claim 19, the rejection of claim 1 above is incorporated herein in full. Additionally,

Bladow further teaches a browser application (col.13, lines 1-17)

24.   As to claim 20, Bladow teaches the activity indication notification includes, among other

things, an identification of particular user initiated session (col.3, lines 32-40).

25.   As to claim 21, Bladow teaches a common timeout period is used as the inactivity

timeout for the plurality of concurrently operating applications (col.4, lines 1-12).

26.   As to claim 22, it includes the same subject matter as in claim 10, and is similarly

rejected under the same rationale.

27   As to claim 23, note the rejection of claim 1 above. Claim 23 is the same as claim 1,

except claim 23 is a method claim and claim 1 is a system claim.

28.   As to claim 24, it includes the same subject matter as in claim 10, and is similarly

rejected under the same rationale.

Response to Arguments

29.   Applicant's arguments filed November 15, 2004 have been fully considered but they are

not persuasive.

30.   In the remarks, Applicant argued in substance that (a) the Bladow system does not

suggest a "first application" of a "plurality of concurrently operating applications for

intermittently communicating an activity indication to a managing application" to "prevent an

inactivity timeout" of "the first application being initiated" in response to said "timeout window

being exceeded"; (b) The communicated "activity indication" is used to identify a purely normal

condition of user inactivity in employing an application whereas the Bladow heartbeat system

identifies a purely abnormal condition comprising a failure circumstance; (c) Bladow fails to

suggest "a system used" by "a managing application" involving intermittently receiving activity

indications from a plurality of concurrently operating applications" and including "activity

monitor for updating individual activity status indicators, corresponding to said plurality of

concurrently operating applications in response to said received activity indications".

31.   Examiner respectfully traverses Applicant's remarks.

        As to point (a), Bladow discloses a first application of a plurality of concurrently

operating applications for intermittently communicating an activity indication to a managing

application (*responsible for obtaining from a remote server the current user's information

including the user's entitlements to various remote services. The backplane uses the entitlement*

information to provide only those services available to the user ... deactivate the services to which the user did not have the entitlements, effectually blocking the user from accessing those services; col.3, lines 62-67) to prevent an inactivity timeout of the first application being initiated in response to said timeout window being exceeded (*Upon receipt of the request, the cookiejar service "marks" the session record with a timestamp indicating the most recent time the client communicated to the server using the heartbeat ... check the timestamp (indicating the time at which the client was last heard) against the current time ... Failure to "heartbeat" for consecutive predefined period, e.g., one hour, would result in the expiration of the session key*; col.22, lines 5-38).

As to point (b), the limitations as broadly claimed by Applicant do not specify *"a purely normal condition."* Claimed subject matter, not the specification is the measure of the invention. Limitations in the specification cannot be read into the claims for the purpose of avoiding the prior art. See In re Self, 213 USPQ 1,5 (CCPA 1982); In re Priest, 199 USPQ 11, 15 (CCPA 1978). The Examiner has a *duty* and *responsibility* to the public and to Applicant to interpret the claims *as broadly as reasonably possible* during prosecution (see *In re Prater, 56 CCPA 1381, 415 F.2d 1393, 162 USPQ 541 (1969)*).

As to point (c), Bladow does suggest "a system used" by "a managing application" involving intermittently receiving activity indications from a plurality of concurrently operating applications" and including "activity monitor for updating individual activity status indicators, corresponding to said plurality of concurrently operating applications in response to said received activity indications" (*the cookiejar 1352 is used to manage heartbeat transactions ... During a customer session initialization, the cookiejar 1352 generates a session id and sets up*

"heartbeat" transactions for the customer's session...The Web server 1344 connects to the

cookiejar 1352 and requests heartbeat update for a given session. The cookiejar 1352 searches

its stored list of cookies, identifies the cookie for the session and updates the heartbeat time. The

cookiejar 1352 then sends the Web server 1344 the updated status heartbeat as shown at 1450;

col.17, lines 23-40).

Conclusion

32.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

33.   A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date

of this final action.

34.   Any inquiry or a general nature or relating to the status of this application should be

directed to the TC 2100 Group receptionist: (571) 272-2100.

35.   Any inquiry or a general nature or relating to the status of this application should be

directed to the TC 2100 Group receptionist: (571) 272-2100.

36.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to VAN H. NGUYEN whose telephone number is (571) 272-3765.

The examiner can normally be reached on Monday-Thursday from 8:30AM - 6:00PM. The

examiner can also be reached on alternative Friday.

37.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor Meng-Ai An can be reached on (571) 272-3756.

38.   The fax phone number for the organization where this application or proceeding is

assigned is 703-872-9306.

39.   Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:
Commissioner for patents
P O Box 1450
Alexandria, VA 22313-1450

MENG-AL AN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

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